

**STATE WATER RESOURCES CONTROL BOARD
BOARD MEETING SESSION – OFFICE OF PUBLIC PARTICIPATION
FEBRUARY 22, 2017**

ITEM 9

SUBJECT

ANNUAL PROGRESS REPORT BY THE STAFF TO THE BOARD ON IMPLEMENTATION OF THE HUMAN RIGHT TO WATER (HRTW)

DISCUSSION

On September 25, 2012, Assembly Bill 685 was enacted, which added section 106.3 to the Water Code (effective January 1, 2013), declaring that every human has the right to clean, affordable, and accessible water for consumption, cooking and sanitary purposes (generally referred to as the human right to water). Water Code section 106.3 states in full:

- (a) It is hereby declared to be the established policy of the state that every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes.
- (b) All relevant state agencies, including the department, the state board, and the State Department of Public Health, shall consider this state policy when revising, adopting, or establishing policies, regulations, and grant criteria when those policies, regulations, and criteria are pertinent to the uses of water described in this section.
- (c) This section does not expand any obligation of the state to provide water or to require the expenditure of additional resources to develop water infrastructure beyond the obligations that may exist pursuant to subdivision (b).
- (d) This section shall not apply to water supplies for new development.
- (e) The implementation of this section shall not infringe on the rights or responsibilities of any public water system.

The new law specifically requires the State Water Resources Control Board (State Water Board), as well as other agencies, to consider the human right to water when establishing policies, regulations, or grant criteria when such actions are pertinent to water for human consumption, cooking, and sanitary purposes. (Water Code § 106, subd. (b).) The new law does not require the State Water Board to develop new policies, regulations, or grant criteria.

The State Water Board and the nine Regional Water Quality Control Boards (collectively, the Water Boards) administer the Porter-Cologne Water Quality Control Act (Wat. Code, Div. 7, § 13000, et seq.), which establishes a comprehensive statutory program for water quality control. The Water Boards protect water quality and beneficial uses of the State's waters, including domestic uses, through their authority under the Porter-Cologne Water Quality Control Act and the Federal Water Pollution Control Act Amendments of 1972, as amended (33 U.S. C. § 1251, et seq.) (Clean Water Act).

On February 16, 2016, staff presented [Resolution No. 2016-0010](#) to the State Water Board for adoption. This resolution directs staff to consider the HRTW as a core value, and provides guidance and direction to the Water Boards to achieve consistency in the implementation of the HRTW. The Resolution also requires that staff provide an annual progress report to the Board on the implementation of the HR2W.

The Climate and Conservation unit will inform on the affordability aspect of the HRTW, which is intended to be addressed through the implementation of Assembly Bill 401 (2015), the development of a Low-Income Water Rate Assistance Program. The State Water Board's Division of Drinking Water, which will oversee implementation of the safe and clean aspects of the HRTW, will demonstrate the State Water Board's HRTW internet portal (in development). State and Regional Board implementation of the HRTW into grants, permits and regulations will be demonstrated by the Office of Public Participation.

POLICY ISSUE

None. Informational Item Only

FISCAL IMPACT

None. Informational Item Only

REGIONAL BOARD IMPACT

None. Informational Item Only

STAFF RECOMMENDATION

None. Informational Item Only

<p>State Water Board action on this item will assist the Water Boards in reaching Goals 5, and 6 of the Strategic Plan Update: 2008-2012. In particular, approval of this item will assist in fulfilling Goal 5 which is to improve accountability and transparency by ensuring the Water Boards goals are clear and accessible; and Goal 6 which is to enhance consistency across the Water Boards to ensure the Water Boards' processes are effective, efficient, and predictable and to promote the fair application of laws and procedures.</p>
